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From: Helene Drago <Drago.Helene@epamail.epa.gov>
Sent: Wednesday, April 15, 2015 9:11 AM
To: drago, helene
Subject: Fw: Monitoring Exemptions - Coall Mining TMDLs

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----- Forwarded by Helene Drago/R3/USEPA/US on 04/15/2015 09:11 AM -----

From: Helene Drago/R3/USEPA/US
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Date: 11/25/2008 08:17 AM
Subject: Re: Monitoring Exemptions - Coall Mining TMDLs

Sorry it took me so long to reply. EPA agrees with your assessment that the monitoring exemptions for the coal mining operations seem to exclude monitoring when any rain events occur. The current monitoring practices may not be capturing the TSS concentrations discharging into the impaired streams. I have responded to your questions below, I recommend that we have a conference call with EPA TMDL and permitting staff and VA TMDL and permitting staff so that we are all clear how best to proceed.

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11/12/2008 09:42 AM

To	Helene Drago/R3/USEPA/US@EPA
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Subject	Monitoring Exemptions - Coall Mining TMDLs

Helene,

Background:

To date we have about a dozen EPA approved TMDLs that include coal mining watersheds. TSS and TDS have been the primary stressors. Although we have much TSS data on the discharges, the vast majority of the TSS concentrations are

less than the criteria of 70 mg/l. For the TMDL we generally calculate TSS WLAs for the entire permitted watersheds as follows:

- * WLA = maximum simulated annual runoff for the permitted watershed times the 70 mg/l. The runoff is simulated on maximum land use categories contained in the permit.
- * Existing Conditions – based on the TSS data from the discharges in these TMDL watersheds, the 70mg/l and annual TSS loading for the WLA are generally not exceeded.

TSS Criteria:

Federal Regulation 40 CFR §434 contains the following effluent limitations for TSS:

Maximum TSS concentration for any 1 day	70 mg/l
Average of daily TSS for 30 consecutive days	35 mg/l

DMLR Alternate TSS Effluent Limitations:

Attachments 1 and 2 are documents from DMLR that provide an exclusion from TSS monitoring of the discharges from VPDES permitted mining areas when rainfall exceeds 0.2 inches in a 24 hour period. According to DMLR staff, this exemption is documented in their joint CSMO NPDES Combined permits in a document titled "Tech Based Effluent Limitations Table".

Federal Alternate TSS Effluent Limitations:

In addition to the DMLR effluent limitations, 40 CFR 434.63 provides alternate effluent limitations (TSS) for certain types of mining during the following storm events that are less than the 10 year 24 hour design criteria for the BMPs:

- 1 year 24 hour storm of 2.50 inches
- 2 year 24 hour storm of 2.90 inches

TMDL Implications:

TMDL Development:

- * DMLR requires bimonthly monitoring of the permitted discharges. Most mining activities in TMDL watersheds have TSS monitoring exclusions.
- * Due to the exclusions, rarely does the TSS data exceed the 70mg/l criteria. With the 0.2 inch exemption, TSS data for the discharges are truncated and essentially reflect pollutant transport during base flow conditions in the watershed.
- * With the exemption, TSS transported from the watershed during runoff events equal to or below the 10 year 24 hour storm but exceeding 0.2 inches in 24 hours is not accounted for in the discharge monitoring data.
- * TMDL model calibration and verification of TSS loading from the exempted mined land discharges is adversely impacted by the TSS data absence.

TMDL Implementation:

To reasonably assure compliance with the TSS WLAs, we propose that the TMDL include a provision for compliance monitoring for TSS at the full range of flows occurring below the 10 year 24 hour event level. The implementation of this provision can be included in the VPDES permits and implemented through monitoring and reporting aspects of that VPDES program.

Questions:

1. Do the exemptions described as alternative effluent limitations apply for permitted discharges into impaired waters?

No. If the tech limits are not sufficient to ensure that WQS are met in the stream than Water quality based limits may be imposed.

2. If the answer to #1 is yes, should the TMDLs developed in coal mining permitted areas recommend monitoring for the full range of flows that are less than the BMP design criteria of 10 years 24 hours? .

What do you think about setting the WLA consistent with the tech-based limits as set out in Part 434 (not those in the current permits), and then require monitoring at all precipitation levels as part of the implementation/reasonable assurance? Let's discuss in the conference call with all interested parties.

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